IN THE HIGH COURT OF JUDICTURE FOR RAJASTHAN AT JODHPUR.

O R D E R

Ishwar Dan Charan. Versus The JCCB Limited, Jalore.

S.B. Civil Writ Petition No. 500/2007

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Date of Order: March 09, 2007

PRESENT

HON'BLE MR. JUSTICE H.R. PANWAR

Dr. Sachin Acharya, for the petitioner.

BY THE COURT:

By the instant writ petition under Articles 226 and 227 of the Constitution of India, the petitioner has challenged the order Annx.3 dated 28-4-2001 passed by the respondent No. 2 dismissing the petitioner from service as also the order Annx.7 dated 5-8-2006 passed by the respondent No.3 dismissing the appeal filed by the petitioner against the order Annx.3 dated 28.4.2001.

I have heard learned counsel for the petitioner.

The facts and circumstances giving rise to the instant writ petition are that the petitioner was appointed on the post o Manager with the respondent bank. While working as the Manager in Gram Sewa Sahkari Samiti Limited, Balwada, an

inquiry under rule 17 of the Rajasthan Agriculture Credit Co-operative Societies Managers Service Rules, 1969, as amended in the year 1991 (for short, "the Rules of 1991" hereinafter) was initiated and memorandum of allegations/charge-sheet vide Annx.1 was served on the petitioner. Apart from other charges, the charge of embezzlement of society's fund was also against the petitioner. The first charge was regarding negligence in the recovery of loan amounts, the second charge was regarding disobeying the orders and the third charge was regarding embezzlement of the society's funds. In the memorandum of allegation/charge-cheet, for the third charge, it has been stated that the petitioner has committed embezzlement of Rs.2,54,274.05p. A reply to the memorandum of allegations was filed by the petitioner (Annx.2).

There are serious allegations of embezzlement apart from the allegations of negligence and apathy in recovering the loan amounts and disobedience of the orders of the higher authorities. There is an admission of the petitioner regarding embezzlement of the funds of the society and assurance for depositing the same. Out of the embezzled amount of Rs. 2,54,274.05p., a sum of Rs. One lac has been deposited by the petitioner and for the remaining amounts, cheques were issued by him but later on the petitioner directed its bank to stop payment. More so, it is not the first case of embezzlement etc.

but earlier also, the petitioner was found indulged in embezzling the funds of the respondent bank.

The respondent bank, after holding an inquiry as per the law and procedure, dismissed the services of the petitioner vide impugned order Annx.3 dated 28-4-2001 and the appellate authority dismissed the appeal filed by the petitioner vide impugned order Annx. 7 dated 5.8.2006. The orders of the Disciplinary Authority and the Appellate Authority are speaking orders based on proper and sound appreciation of evidence on record and there is no illegality or irregularity of law or procedure therein.

In this view of the matter, I do not find any merit in the writ petition and it is dismissed accordingly. There shall be no order as to costs.

(H.R. PANWAR), J.

mcs